workflow." Applicant respectfully submits that Claim 1 as amended now complies with the

requirements of the second paragraph of 35 U.S.C. § 112. The term "contingent workflow" is

illustrated and supported throughout the specification. Specifically, the specification provides

that, "Processing may be contingent on the outcome 404 of the read 402." Page 6, Line 8. This

continent workflow is further described as follows:

> A form code identifies the particular type of form. **If the form code was successfully interpreted,** then a priority may be assigned to the form 410. Assignment of priority may be based, for example, on a preferred client list, according to the profit margin that a seller of goods or services expects to receive from a buyer, or according to other criteria. The priority assigned in step 410 may be represented on a scale of 1 to 10, designated by high, medium, or low, or otherwise rank ordered. **If the form code read was not successful** in step 402, then the form may be routed to data repair 406 for manual classification of the incoming form type.

Page 6, Lines 18-26. (**emphasis added**).

Another example of contingent workflow is provided as follows:

> **Workflow may be further contingent** on whether data repair 406 was successful 408. **If data repair 406 was a success,** for example where the form code was human-readable, then the form is promoted to step 410 for assignment of priority. **If, on the other hand, data repair 406 was not successful** in determining the form code, then the form may be designated as an unknown form type 414.

Page 6, Lines 27-31. (**emphasis added**).

Still further, a third example of contingent workflow is provided as follows:

> After forms have been assigned a priority 410, they may be reviewed for change of address 412. Change of address may be detected by a box that has been checked, for example, or by the presence of text outside of defined data input areas. **Where a change of address has not been detected,** the form may be routed by decision process 412 to parsing process 416. **An unknown form 414, or a form with a change of address 412,** may be processed as a full image 418.

Page 6, Lines 27-31. (**emphasis added**).

As detailed, there is ample support and definition for the term "contingent workflow."

Accordingly, Applicant respectfully submits that Claim 1 as amended now complies with the

requirements of the second paragraph of 35 U.S.C. § 112.

Similar to Claim 1, Claims 6-9 stand rejected under 35 U.S.C. § 112, second paragraph,

as being indefinite on the basis that the phrase "alters workflow" is undefined. Within the

present application, however, the phrase "alters workflow" is not intended to have any special

definition beyond its plain and ordinary meaning which is clearly illustrated in several examples

provided throughout the application.

For example, Claim 6 provides that, "the processor alters workflow based at least on the

ability to read the form type." This limitation is discussed in the specification as follows:

> A form code identifies the particular type of form. **If the form code was successfully interpreted**, then a priority may be assigned to the form 410. Assignment of priority may be based, for example, on a preferred client list, according to the profit margin that a seller of goods or services expects to receive from a buyer, or according to other criteria. The priority assigned in step 410 may be represented on a scale of 1 to 10, designated by high, medium, or low, or otherwise rank ordered. **If the form code read was not successful** in step 402, then the form may be routed to data repair 406 for manual classification of the incoming form type.

Page 6, Lines 18-26. (**emphasis added**).

Similarly, as discussed above with respect to Claim 1, Claims 7-9 also use the phrase

"alters workflow" in accordance with its plain and ordinary meaning. This meaning is consistent

with the following common definitions used in references and publications:

> alter: "to make different; change; vary ---Syn. change." *Webster*
> *New Word Dictionary, Third College Edition*, © 1998.

> workflow: 1. <operating system> The scheduling of independent jobs on
> a computer; 2. <job> The set of relationships between all the
> activities in a project, from start to finish. Activities are related
> by different types of trigger relation. Activities may be
> triggered by external events or by other activities. 3. The

> movement of documents around an organization for purposes
> including sign-off, evaluation, performing activities in a
> process and co-writing. *The Free On-line Dictionary of
> Computing,* © *1993-2001 Denis Howe*

Accordingly, Applicant respectfully submits that Claims 6-9 comply fully with the requirements

of the second paragraph of 35 U.S.C. § 112.

The Examiner provides that Claim 7 stands rejected under 35 U.S.C. § 112, second

paragraph, as being indefinite. The Examiner notes that the phrase "based on the priority of the

form" is undefined. However, this phrase does not appear within Claim 7 but in Claim 8.

Accordingly, Applicant will discuss this rejection in terms Claim 8.

In Claim 8, the phrase "based on the priority of the form" is intended to have only its

plain and ordinary meaning which is clearly illustrated in several examples provided throughout

the application. For example, the specification provides the following descriptions:

> The priority assigned in step 410 may be represented on a scale of 1 to 10,
> designated by high, medium, or low, or otherwise rank ordered. If the form code
> was successfully interpreted, then a priority may be assigned to the form 410.
> Assignment of priority may be based, for example, on a preferred client list,
> according to the profit margin that a seller of goods or services expects to receive
> from a buyer, or according to other criteria. The priority assigned in step 410 may
> be represented on a scale of 1 to 10, designated by high, medium, or low, or
> otherwise rank ordered. If the form code read was not successful in step 402, then
> the form may be routed to data repair 406 for manual classification of the
> incoming form type.
>
> Page 6, Lines 19-23.

. . .

> Finally, Figure 4 also illustrates that the order in which form data is operated on
> by the transmit 420, repackage 424, and internal data entry 428 **processes may be
> dictated by the priority assigned in step 410**. Processing in step 428 may also
> be prioritized or sorted according to the type of errors that could not be resolved
> by external data entry vendors in step 240.
>
> Page 8, Lines 1-5.

As clearly defined, both on its face and with reference to the specification as cited, the

phrase "based on the priority of the form" is used with its ordinary meaning so that selected

forms are processed using their assigned priority designations. For example, as illustrated in the specification, high priority items may be processed immediately and while lower priority items may be processed after being held for a certain time. Accordingly, Applicant respectfully submits that Claim 8 clearly complies with the requirements of the second paragraph of 35 U.S.C. § 112.

Claims 13 and 19-22 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner again notes that the term "contingent workflow" is undefined. As detailed above with respect to Claim 1, however, the term "contingent workflow" is defined and used at several points throughout the specification. For example, the specification details that, "Processing may be contingent on the outcome 404 of the read 402." Page 6, Line 8. Further examples are discussed above with respect to Claim 1. Accordingly, Applicant respectfully submits that Claims 13 and 19-22 comply with the requirements of the second paragraph of 35 U.S.C. § 112.

## 35 U.S.C. § 102

Claims 1-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by "www.asvsolgrp.com/icr.htm". While the reference is dated after the filing date of the present application, the Examiner has taken official notice that the teaching contained in the cited online publication was known to those skilled in the art more than one year prior to the effective filing date of the instant application.

Applicant is unable to respond to the Examiner's rejection under 102(b) as no copy of the cited reference has been provided to the Applicant. Additionally, the Applicant has been unable to locate the cited reference on its own using the web site address provided by the Examiner (a

copy of our search results are provided). Accordingly, Applicant respectfully requests that the

Examiner withdraw his present rejection and issue a new Office Action which includes a copy of

the cited reference as well as a copy of the appropriate PTO Form 892.

Additionally, Applicant respectfully traverses the Examiner's use of the cited reference

as prior art and requests that, where the Examiner relies on his personal knowledge, he complies

fully with the requirements of MPEP so that the Applicant may respond fully and specifically to

the Examiner's finding. The MPEP provides in part:

> When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contraction or explanation by the affidavits of the applicant and other persons.

MPEP § 707.05; *citing* 37 CFR 1.104 (d)(2).

Accordingly, as provided above, Applicant respectfully requests that where the Examiner

has relied on his personal knowledge, that he provide a detailed affidavit containing specific

conclusions and findings made by the Examiner.

## CONCLUSION

The Office Action, references and rejections have been duly considered by the Applicant

and addressed by the foregoing amendments and remarks. Reconsideration of the application

and early allowance are respectfully solicited.

Should the Examiner require resolution of any issues for allowance, the Examiner is

invited to contact the undersigned to expedite the same.

Respectfully submitted,

Dated: November 4, 2002

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ATTACHMENT A

**Marked up Copy of Amended Claims**

Deletions are enclosed in brackets. Additions are underlined.


Claims 1 and 17 are amended as follows.

1.      (Amended)  A system for converting forms to electronic format, comprising:

an interface to at least one intake service for receiving forms;

at least one image generator, communicating with the intake service, to convert the forms

into electronic format;

at least one processor for [executing related processes and] providing a contingent

workflow;

at least one terminal, communicating with at least one processor, operable to edit form

data;

an interface to at least one external data entry vendor; and

an interface to at least one subsequent process that will utilize data on the electronic form.


17.      (Amended) The method of claim 13, wherein step (b) of reading comprises [application

of] optical character recognition [algorithms].